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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197518
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Scott P. Ceresia/
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Attachments	MATHLETICS - Motion to Suspend (Nov. 3, 2012).pdf (4 pages)(12737 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos. 77/875,559 and 77/875,579

Filed: November 18, 2009

For Marks: MATHLETICS

Published in the Official Gazette: August 3, 2010

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ATHLETICS INVESTMENT GROUP LLC D/B/A :

THE OAKLAND ATHLETICS BASEBALL :

COMPANY, :

Opposer, :

v. :

3P LEARNING PTY LIMITED, :

Applicant. :

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Opposition No. 91197518

**MOTION ON CONSENT TO CONTINUE SUSPENSION OF PROCEEDINGS AND TO
EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order continuing the suspension of the proceedings in this matter for a period of three (3) months, until **February 3, 2013**.

Applicant's counsel consented to this motion, which is requested to allow the parties to continue to engage in settlement discussions.

The parties submit that significant progress has been made since the last suspension and that good cause can be shown for an additional suspension. Since the last suspension, on September 20, 2012, Opposer's outside counsel held a lengthy telephone with Opposer's in-house counsel and discussed in detail Applicant's revised settlement offer. In connection with that discussion, Opposer's in-house counsel conducted research into several issues arising from the proposed settlement terms and communicated the results of that research to Opposer's outside counsel by email on September 24, 2012. Upon receiving that information from

Opposer's in-house counsel, on September 25, 2012, Opposer's outside counsel and Applicant's counsel engaged in settlement discussions by telephone and actively negotiated a set of core settlement terms, which Opposer's outside counsel memorialized in email correspondence later that day. Specifically, the parties believe that they have reached agreement on core terms relating to the use and registration of their respective marks. On September 28, 2012, Applicant's counsel sent a follow-up email communication confirming its understanding of the parties' core settlement terms and directing the parties to reduce those terms to writing. Thereafter, Opposer's outside counsel drafted a proposed settlement agreement reflecting these agreed-upon core settlement terms. On October 9, 2012, Opposer's outside counsel sent the proposed settlement agreement to Opposer's in-house counsel for their review. The additional time is requested to allow Opposer's in-house counsel the time to review and submit comments on the proposed settlement agreement, and for the parties to work together to try to finalize the settlement agreement. If accepted, the settlement agreement would resolve this matter without the need to continue with the opposition proceedings.

If the Board grants this motion, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceeding resumes so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial and other periods should be reset accordingly.

Dated: New York, New York
November 2, 2012

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Scott P. Ceresia/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 2, 2012, I caused a true and correct copy of the foregoing MOTION ON CONSENT TO CONTINUE SUSPENSION OF PROCEEDINGS AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED to be sent via First Class Mail, postage prepaid, to Applicant's attorney of record and correspondent, Barry F. Soalt, Esq., Procopio Cory Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101.

/Scott P. Ceresia/
Scott P. Ceresia